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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,317	07/10/2003	James R Dulaney	B-6097	1316
23636	7590	12/09/2004	EXAMINER	
DANIEL V. THOMPSON 9330 LBJ FWY. SUITE 1185 DALLAS, TX 75243			HSIEH, SHIH YUNG	
			ART UNIT	PAPER NUMBER
			2837	

DATE MAILED: 12/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/604,317

Applicant(s)

DULANEY ET AL.

Examiner

Shih-yung Hsieh

Art Unit

2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-19 and 31 is/are allowed.
- 6) ☒ Claim(s) 1-4, 8, 32 and 33 is/are rejected.
- 7) ☒ Claim(s) 5-7, 9, 10, 20-30 and 34 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/15/2003</u> . | 6) <input type="checkbox"/> Other: ____. |

1. The drawings are objected to because there are two numerals 72 in Fig. 4, and the upper one should be 74; numerals 108 and 116 are not in Fig. 5 as described in the specification in paragraph [0026]. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. Claims 1-4, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Applicant submitted prior art (photos A-F) in view of White (892,105).

Regarding claim 1, the prior art discloses the claimed invention. The difference is that claim 1 recites a tuner sphere with a center point fixed to the tuner; a link adapted to have selectable loose and fixed states; with the link including complementary first and

Art Unit: 2837

second clamping halves joined by a compression element; with an opposing pair of curved surfaces on a tuner end of the link, disposed to grip the tuner sphere under compression imposed by compression element; and a clamp connected to a clamp end of the link.

White teaches a clamping device having a sphere (18) with a center point fixed to a support (1); a link (2, 3) adapted to have selectable loose and fixed states; with the link including complementary first and second clamping halves (12) joined by a compression element (4, 5) with an opposing pair of curved surfaces on a support end of the link (Figs. 1 and 3), disposed to grip the sphere under compression imposed by compression element; and a clamp (13, 14) connected to a clamp end of the link for providing a combination of support and clamp.

It would have been obvious to one having ordinary skill in the art to modify the prior art as taught by White to include a tuner sphere with a center point fixed to the tuner; a link adapted to have selectable loose and fixed states; with the link including complementary first and second clamping halves joined by a compression element; with an opposing pair of curved surfaces on a tuner end of the link, disposed to grip the tuner sphere under compression imposed by compression element; and a clamp connected to a clamp end of the link for the purpose of providing a combination of support and clamp.

Regarding claim 2, White teaches a post (9) extending from the support (1), and the sphere connected to an end of the support remote from the support for permitting angular or other position adjustment (page 1, lines 16-18).

It would have been obvious to one having ordinary skill in the art to modify the prior art as taught by White to include a tuner post extending from the tuner, and the tuner sphere connected to an end of the tuner remote from the tuner for the purpose of permitting angular or other position adjustment.

Regarding claims 3 and 4, White teaches the post extending from a lower end of the support, and the compression element being a threaded fastener extending through the clamping halves.

It would have been obvious to one having ordinary skill in the art to modify the prior art as taught by White to include the tuner post extending from a lower back surface of the tuner, and with the compression element being a threaded fastener extending through the clamping halves for the purpose of permitting angular or other position adjustment.

Regarding claim 8, White teaches a compression element being centrally located between a support end and a clamp end of the link (Fig. 1).

It would have been obvious to one having ordinary skill in the art to modify the prior art as taught by White to include the compression element being centrally located between said tuner and clamp ends of the link for the purpose of permitting angular or other position adjustment.

3. Claims 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Applicant submitted prior art (photos A-F) in view of Liao (6,815,598).

Regarding claim 32, the prior art discloses the claimed invention. The difference is that claim 32 recites a clamp connected to the tuner; the clamp having a pair of hinged, opposed clamping arms joined by a hinge pin; a pair of opposed actuating arms, each of the actuating arms extending from a different one of the clamping arms at the hinge pin; and each of the clamping arms including a curved intermediate surface and a planar end surface, the planar end surfaces being parallel and abutting each other when the clamp is in the closed state, and the curved intermediate surfaces being oppositely curved, such that the curved intermediate surfaces define an open space between the curved intermediate surfaces.

Liao teaches a clamp (10) connected to a microphone; the clamp having a pair of hinged, opposed clamping arms (114, 124) joined by a hinge pin (13); a pair of opposed actuating arms (113, 123), each of the actuating arms extending from a different one of the clamping arms at the hinge pin (Fig. 1); and each of the clamping arms including a curved intermediate surface (the curved surface shown at 112 in fig.1) and a planar end surface (the flat surfaces shown at the end of 112 toward the end of clamping arms 114 and 124 shown in Fig. 1), the planar end surfaces being parallel and abutting each other when the clamp is in the closed state, and the curved intermediate surfaces being oppositely curved, such that the curved intermediate surfaces define an open space (the space between curved portion of 112 and 122) between the curved intermediate surfaces (Fig. 1) for clamping a microphone to a musical instrument component.

It would have been obvious to one having ordinary skill in the art to modify the prior art as taught by Liao to include a clamp connected to the tuner; the clamp having a

pair of hinged, opposed clamping arms joined by a hinge pin; a pair of opposed actuating arms, each of the actuating arms extending from a different one of the clamping arms at the hinge pin; and each of the clamping arms including a curved intermediate surface and a planar end surface, the planar end surfaces being parallel and abutting each other when the clamp is in the closed state, and the curved intermediate surfaces being oppositely curved, such that the curved intermediate surfaces define an open space between the curved intermediate surfaces for the purpose of clamping the tuner to a musical instrument component.

Regarding claim 33, Liao teaches the curved intermediate surfaces being partially cylindrical (Fig.1), and see above reasoning.

4. Claims 5-10, 20-30, and 34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claims 11-19, and 31 are allowed.

6. The claims are allowable over the prior art for at least the reason that the prior art fails to reasonably teach or suggest in claim 5 that a female-threaded nut engaged with the central section of the shaft, and an E-clip engaged with the other end of the shaft, such that the E-clip prevents the shaft and nut from being completely disengaged, in claim 9 that a first slot in the tuner end first clamping half curved surface and a second

Art Unit: 2837

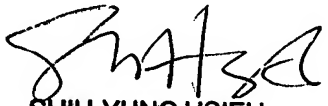
slot in the tuner end second clamping half curved surface, in claims 11, 21, and 31 that a clamp sphere with a center point fixed to a clamp, and in claim 34 that the planar surfaces having semi-circular perimeters as set forth in the claimed combination.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shih-yung Hsieh whose telephone number is 571-272-2065. The examiner can normally be reached on 7:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Martin can be reached on 571-272-2107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

syh


SHIH-YUNG HSIEH
PRIMARY EXAMINER